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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,387	03/31/2000	Ioan V. Teodorescu	036560.6704(1135-00)	3469

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EXAMINER

JAGANNATHAN, MELANIE

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/541,387

Applicant(s)

TEODORESCU, IOAN V.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-20, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 3, 15, 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 6,763,016 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application claims 1,3,15,18 merely broaden the scope of claim 1 of U.S. 6,763,016 by modifying timing generator operable to provide a synchronization signal comprising timing and control signals with timing generator operable to insert a phase of a timing signal and command signal into a framed signal, modifying lower level distribution module coupled to timing generator, to receive and distribute the synchronization signal to a distribution module operable to receive the framed signal from timing generator, and modifying bus control module coupled to lower level distribution module to bus control module operable to receive framed signal from distribution module.

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Claims 3, 18 of instant application modify wording of lower level and intermediate level distribution modules of claim 1 of U.S. Patent 6,763,016 with first and second distribution modules.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 7-20, 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lovelace et al. US 5,901,136.

Regarding claims 1-2, 10-17, 24, the claimed timing generator operable to insert a phase of timing and a command signal into framed signal is disclosed by synchronization subsystem (Figure 1, element 16) sending out control and timing signals. A distribution module coupled to timing generator operable to receive framed signal is disclosed by distributed services node A (element 18). The claimed bus control module coupled to lower level distribution module is disclosed by network interface island (element 13) with unit shelf control configuration containing DS1 unit shelves with cards. See Figure 2 and column 6, lines 44-66.

Regarding claims 3, 10, 18, 23, the claimed first distribution module operable to transmit framed signal to a second distribution module and second distribution module

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operable to transmit framed signal to bus control module is disclosed by distributed services node A (element 18) coupled to distributed services node B (element 18) with each coupled to timing generator and network interface islands with unit shelf control configuration containing DS1 unit shelves with cards.

Regarding claims 4, 19-20, the claimed bus control module operable to receive a status signal from telecommunication system, the status signal comprising status information and distribution module and timing generator receive status signal is disclosed by alarm interface (Figure 5, element 72), a telecommunications system administration system component in network interface island (Figure 1, element 13) that notify of any conflict of timing signals and thus synchronization of timing between network interface island timing systems and distributed timing systems is done. See column 9, lines 65-67, and columns 10-11.

Regarding claims 7-10, the claimed plane comprising a timing generator, distribution module and bus control module, plane operable to distribute timing signal is disclosed by DSN A plane and DSN plane B (Figure 7) with timing generators and connection to network interface islands for redundancy.

Allowable Subject Matter

5. Claims 5-6, 21-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art of record does not disclose, in single or in combination, a bus control module receiving a first plurality of signals from telecommunication system and to select a first derived clock signal from first plurality of signals in response to framed signal, the distribution module receive first derived clock

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signal and a second plurality of signals from telecommunication system and to select a second derived clock signal in response to framed signal and timing generator to receive second derived clock signal and to select second derived clock signal as new timing signal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie Jagannathan
Patent Examiner
AU 2666

MJ



FRANK DUONG
PRIMARY EXAMINER